

**IN THE UNITED STATE DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

**MICHAEL HESTER, on behalf of himself
and all others similarly situated,**

PLAINTIFF

V.

CASE NO. 5:18-CV-05225-TLB

WALMART, INC.,

DEFENDANT

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, Declaration of D. Greg Blankinship, the exhibits annexed thereto, and all papers previously filed in the above-captioned action, plaintiff Michael Hester (“Plaintiff”) will move this Court for an Order pursuant to Fed. R. Civ. P. 23:

1) certifying the following classes pursuant to both Fed. R. Civ. P. 23(b)(2) and 23(b)(3):

- a. All consumers who, since November 14, 2014, purchased 2200, 3350, 4000, and 6700 mAh Onn power banks within the State of Georgia. Excluded from this are any of Walmart’s officers, directors, or employees; officers, directors, or employees of any entity in which Walmart currently has or has had a controlling interest; and Walmart’s legal representatives, heirs, successors, and assigns; and
- b. All consumers who, during the applicable limitations period, purchased 2200, 3350, 4000, and 6700 mAh Onn power banks in California, Florida, Georgia, Illinois, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, and Washington. Excluded from the Multi-State Class are any of Walmart’s officers, directors, or employees; officers, directors, or employees of any entity in which Walmart currently has or has had a controlling interest; and Walmart’s legal representatives, heirs, successors, and assigns.

2) appointing Plaintiff as class representative;

3) appointing Plaintiff's counsel, Finkelstein, Blankinship, Frei-Pearson, & Garber, LLP and Carney Bates & Pulliam, PLLC, as class counsel;

4) directing the parties to submit a joint proposed class notice; and

5) granting such other relief as the Court deems just and proper.

Dated: January 27, 2020

Respectfully submitted,

By: /s/ Randall K. Pulliam

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent via U.S. first class mail to those indicated as non-registered participants.

/s/ Randall K. Pulliam
Randall K. Pulliam